



Entered on Docket
March 03, 2009

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,¹
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,²
USA Securities, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR¹
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR¹
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TENTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
ROAM DEVELOPMENT GROUP,
LP LOAN**

Hearing Date: February 20, 2009

Hearing Time: 9:30 a.m.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

¹ This bankruptcy was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Tenth Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Roam Development Group, LP Loan (the "Objection") [DE 6720].
4 Adequate notice of the Objection was given. The Court heard the Objection on February
5 20, 2009. No responses were filed to the Objection and no opposition was raised at the
6 hearing. Good cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • The Proofs of Claim listed on Exhibit A attached are allowed to the extent
10 Exhibit A shows there was "unremitted principal" arising out of the Roam
11 Development Group, LP Loan that was owed to the claimant.
- 12 • The Proofs of Claim listed on Exhibit A attached are disallowed to the extent
13 they were based upon an investment in the Roam Development Group, LP Loan
14 that was repaid to the claimant.
- 15 • The Proofs of Claim listed in Exhibit A are not affected by this order to the
16 extent they are based upon an investment in a loan(s) other than the Roam
17 Development Group, LP Loan;
- 18 • Reserving the right of any party in interest, including the USACM Trust, to
19 further object to the Proofs of Claim listed on Exhibit A attached.

20 #####

21 PREPARED AND SUBMITTED:

22 **LEWIS AND ROCA LLP**

23 By: /s/ John Hinderaker (#18024)
24 Rob Charles
John Hinderaker
25 Attorneys for USACM Liquidating Trust

1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

3 The Court waived the requirements of approval under LR 9021.

4 No parties appeared or filed written objections, and there is no trustee appointed
5 in the case.

6 No opposition was filed to the motion and no other party or counsel appeared at
7 the hearing.

8 I have delivered a copy of this proposed order to all attorneys and unrepresented
9 parties who have appeared at the hearing, and any trustee appointed in the case,
10 and each has approved or disapproved the order, or failed to respond, as
11 indicated below:

12 **LEWIS AND ROCA LLP**

13 By: /s/ John Hinderaker (#18024)

14 Rob Charles
John Hinderaker
15 *Attorneys for USACM Liquidating Trust*

**ROAM DEVELOPMENT LOAN
TENTH OMNIBUS OBJECTION**

EXHIBIT A
Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Roam Development Loan	Unremitted Principal	Approximate Amount Subject to Objection
10725-02215	Charles B Anderson Trust	Jones Vargas, Attn: Janet L Chubb, Esq. P.O. Box 281 Reno, NV 89504	\$183,340.38	\$2,329.94	\$1,262.72	\$1,067.22
10725-01937	Debt Acquisition Co Of America V LLC Assignee	Barbara J Vivero Revocable Trust, Barbara J Vivero 1565 Hotel Cir S Ste 310 San Diego, CA 92108	\$12,951.80	\$1,147.00	\$631.36	\$515.64
10725-01165	Barry J & Patricia B Goldstein	c/o Jeffrey S Berlowitz Esq. 4000 Hollywood Blvd Ste 375-S Hollywood, FL 33021	\$14,699.00	\$1,747.45	\$947.04	\$800.41
10725-01687	Homfeld II LLC	2515 N. Atlantic Blvd Fort Lauderdale, FL 33305-1911	\$2,861,221.63	\$2,733.75	\$1,262.72	\$1,471.03
10725-01208	Pete Monighetti	6515 Frankie Ln Prunedale, CA 93907	\$1,509,963.55	\$2,193.43	\$631.36	\$1,562.07
10725-01409	Grable B Ronning	PO Box 7804 Incline Village, NV 89452-7804	\$80,262.00	\$2,329.44	\$1,262.72	\$1,066.72
10725-01909	Alan & Carol Simon Ttees Of Simon Family Tr 2000	1800 Waldman Ave Las Vegas, NV 89102-2437	\$202,866.68	\$1,164.97	\$631.36	\$533.61
10725-01412	Wildwater Limited Partnership	c/o Eric Ronning PO Box 7804 Incline Village, NV 89452	\$42,884.61	\$1,164.97	\$631.36	\$533.61